

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, : 20-CR-00305(LDH)

-against- : United States Courthouse
: Brooklyn, New York

JORDAN, et al., : Thursday, June 1, 2023
: 2:30 p.m.

Defendants.

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*** CONTAINS SEALED PORTION ***

TRANSCRIPT OF CRIMINAL CAUSE FOR STATUS CONFERENCE
BEFORE THE HONORABLE LaSHANN DeARCY HALL
UNITED STATES DISTRICT JUDGE

APPPEARANCES:

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25 Proceedings recorded by computerized stenography. Transcript produced by Computer-aided Transcription.

1 A P P E A R A N C E S: (Continued)
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1 (In open court.)

2 THE COURTROOM DEPUTY: All rise.

3 (Judge LaSHANN DeARCY HALL entered the courtroom.)

4 (Defendants entered the courtroom.)

5 THE COURTROOM DEPUTY: Good afternoon.

6 This is a criminal cause for a status conference in
7 the matter of USA versus Karl Jordan and Ronald Washington,
8 docket number 20-CR-305.

9 Can counsel please state their appearance for the
10 record, starting with the Government.

11 MR. McCONNELL: Good afternoon, Your Honor.

12 Artie McConnell, Mark Misorek and Miranda Gonzalez
13 for the United States.

14 We're joined at counsel table by our paralegal, Anna
15 November.

16 THE COURT: All right. Good afternoon to you all.

17 MR. HUESTON: Good afternoon, Your Honor.

18 Michael Hueston, Mark DeMarco, John Diaz and Monica
19 Nejathaim for Mr. Jordan.

20 MR. DeMARCO: Hello, Your Honor.

21 MR. DIAZ: Hello.

22 THE COURT: Hello. Good to see you.

23 MS. KELLMAN: Good afternoon, Your Honor.

24 Susan Kellman, Ezra Spilke, Jacqueline Cistaro for
25 Mr. Washington, who is present in court.

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1 Good afternoon, Judge.

2 THE COURT: Good afternoon.

3 And I don't have the third yet, Mr. Bryant.

4 Has he been arraigned?

5 MR. McCONNELL: He has not, Your Honor. We were in
6 communication with chambers today and we were told to contact
7 the duty magistrate, which we'll do as soon as we leave here
8 today.

9 I have not heard back from Mr. Bryant's defense
10 counsel when they are available, which has been the reason for
11 the holdup.

12 THE COURT: We'll figure it all out.

13 You all can be seated.

14 All right, folks. This is by my count the first,
15 obviously, status conference since the superseding Indictment
16 that was filed yesterday, May 30th. It would have been the
17 twelfth status conference in this matter from the original
18 Indictment.

19 The superseding Indictment, as I understand it,
20 simply adds another defendant. It does not add any additional
21 charges, correct?

22 MR. McCONNELL: It only adds Mr. Bryant to Counts
23 One and Two. The defendants, who were previously charged,
24 everything remains the same otherwise.

25 THE COURT: Okay.

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1 All right. Now, I still have before me motions in
2 limine that were filed by the existing parties in this case
3 and will shortly render a determination with respect to those
4 outstanding motions in limine.

5 In addition, I have before me the agreed-upon
6 questionnaire that was supplied to me by the parties, that I
7 have had an opportunity to review.

8 I have a couple of questions that at some point I
9 will want to probe with the parties, but be that as it may, it
10 is going to be a document that is going to require, at least,
11 an opportunity for the new defendant in this case to review.
12 So me making a final determination on it seems premature in
13 light of the superseding Indictment, which adds an additional
14 defendant in this case.

15 As the parties are aware, we are scheduled to go to
16 trial in this matter in January of next year. I believe that
17 that trial date should remain undisturbed, notwithstanding the
18 addition of a new defendant. Given the length of time that we
19 have before trial, I cannot imagine that it is not sufficient
20 time for the new defendant to be able to get up to speed.

21 Obviously, we will delve into some of those issues
22 once I have him before me, but my expectation is that the
23 Government is going to move expeditiously to ensure that the
24 new defendant in this case is brought up to speed with respect
25 to any discovery in this matter, so that we then can also

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1 bring them up to speed with respect to pretrial motions and
2 then motions in limine as well.

3 Against that backdrop, do you have an update for the
4 Court?

5 MR. McCONNELL: Nothing else to report, Your Honor.

6 It's obviously been a busy 72 hours. We're in
7 consultation with the defense on some disclosure, potential
8 disclosure issues as a result of the superseding Indictment.

9 We did file a disclosure contemporaneous with the
10 filing of the Indictment. I don't know if Your Honor has had
11 a chance to review that.

12 THE COURT: I have not.

13 MR. McCONNELL: Okay.

14 THE COURT: That was filed yesterday as well, or no?

15 MR. McCONNELL: I believe it was filed Tuesday.

16 THE COURT: Docket number 153? No. Yes, I mean I
17 think that's what it is, or 152. I don't know.

18 I'm listening.

19 MR. McCONNELL: In any event, Judge, we are in
20 conversations with the defense about possible additional
21 disclosures and we'll continue those conversations outside the
22 presence of the Court.

23 THE COURT: Okay.

24 MR. McCONNELL: As far as discovery, yes, we have
25 all of the discovery ready to go for Mr. DeCastro, who is

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1 Mr. Bryant's attorney. And as soon as he is able to file a
2 letter stating that he'll adhere to the protective order in
3 place in the case, he will get all of it. We'll remain
4 available to him to help him parse through it and get through
5 it as quickly as possible.

6 THE COURT: All right.

7 From the defense.

8 MR. HUESTON: Your Honor, I guess starting just at
9 housekeeping, to the extent that's needed, Mr. Jordan enters a
10 plea of not guilty to the superseding Indictment.

11 Then I did want to speak to the disclosure. It's a
12 Brady disclosure from our point of view and we've been
13 provided some information. We are going to be talking with
14 the Government about, you know, the completeness of that
15 disclosure.

16 THE COURT: So from your point of view, this is
17 additional Brady disclosures because, obviously, there have
18 been, as I understand it, some fulsome Brady disclosures prior
19 to the superseding Indictment, but there are additional Brady
20 disclosures that were triggered by the superseding Indictment;
21 is that it?

22 MR. HUESTON: Yes. In essence, what we're hearing
23 from, you know, the Government on the issue is that Mr. Bryant
24 has made a statement that contradicts the theory of their
25 case. I mean, in essence, saying that --

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1 THE COURT: I read the newspapers as well.

2 MR. HUESTON: Yes.

3 THE COURT: Sometimes that's where I learn my
4 information, so yes.

5 MR. HUESTON: And there is a piece of -- there's
6 a -- we've been given the name of a lawyer who has information
7 about this, but there's a client behind that person too. We
8 don't have the name of the client. There's an individual who
9 the Government garnered this information from, from
10 Mr. Bryant. And so we don't have that name yet.

11 But as we look at it, that's Brady material. That's
12 information that's, obviously, dispositive -- not dispositive,
13 but important to the defense. You know, they don't credit the
14 statement as they've stated, that's not --

15 THE COURT: But that's not how you decide if it's
16 Brady or not.

17 You all are not contesting that it's Brady?

18 MR. McCONNELL: Not at all, that's why we made the
19 disclosure contemporaneous with the docketing of the
20 Indictment.

21 And to be clear, we -- we filed, we filed with the
22 defense a disclosure letter that fulfills our obligations.

23 We also, in addition, provided a lightly-redacted
24 report of an interview with the witness who made the statement
25 to the defense. It was redacted just to remove any

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1 identifying information about the witnesses.

2 And we also offered to put the defense in contact
3 with the witness' attorney, at their request. They requested
4 that yesterday. We provided that attorney's information to
5 them.

6 And as I said, I think conversations on this point
7 are going to be ongoing, but we have made what we consider to
8 be a full and complete Brady disclosure at this point. And we
9 will continue to confer with the defense about this
10 individual's identity and communicating with that person's
11 attorney, as they are a represented party.

12 THE COURT: So, Mr. Hueston, so that I'm clear from
13 your perspective, it does not seem like there is any dispute
14 that there is Brady material that has been or will be provided
15 pursuant to this letter that is before me filed as
16 Document 153.

17 But are you suggesting that in addition to what is
18 or what has or will be produced to you pursuant to this
19 letter, that there is additional information that you believe
20 is Brady material that you do not believe that the Government
21 is intending at this time to produce?

22 MR. HUESTON: Yes, the name of the person who
23 Mr. Bryant made the statements to about, you know, shooting
24 Mr. Mizell.

25 That's it, Judge.

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1 THE COURT: Okay.

2 What is the Government's position with respect to
3 the name of this individual?

4 MR. McCONNELL: We need to confer with that
5 individual's attorney. Certainly, the defense is entitled to
6 that at some point.

7 Again, we're less than 72 hours since the unsealing
8 of the Indictment, and we just -- we need to think
9 carefully --

10 THE COURT: About?

11 MR. McCONNELL: Well, communicating with the
12 individual's representation.

13 THE COURT: You will forgive me, and perhaps it is
14 my ignorance, I am trying to understand how communicating with
15 the individual's representation necessarily informs any
16 obligations as they may exist pursuant to Brady in terms of
17 the --

18 MR. McCONNELL: It doesn't. They're clearly
19 entitled to the individual's name. We just want to think
20 through the mechanics of how to get that to them.

21 THE COURT: You mean other than uttering it?

22 MR. McCONNELL: Yes.

23 THE COURT: I'm not trying to be flippant, I'm just
24 trying to understand.

25 MR. McCONNELL: Yes.

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1 THE COURT: If there is something I'm missing, is
2 there something you want to tell me in a sidebar, I'm happy to
3 do that.

4 MR. McCONNELL: If we could approach.

5 THE COURT: Yes, let's do that.

6 MR. McCONNELL: Thank you.

7 THE COURT: Let's go.

8 (Sidebar held.)

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10 (Continued on the following page.)

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Sidebar Sealed By Order of the Court

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1 (The following sidebar conference was held on the
2 record in the presence of the Court and counsel, and sealed by
3 Order of the Court.)

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Sidebar Sealed By Order of the Court

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Sidebar Sealed By Order of the Court

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Sidebar Sealed By Order of the Court

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1 THE COURT: All right, anything else from the
2 defense?

3 MS. KELLMAN: Your Honor, just with respect to
4 Mr. Washington, we'd enter a plea of not guilty.

5 THE COURT: Thank you.

6 And I wanted to note, Mr. Washington, you look
7 healthy.

8 THE DEFENDANT: Thank you.

9 THE COURT: It's good to see you.

10 MS. KELLMAN: He is feeling much better.

11 THE COURT: You look much better.

12 Let's set this down, I guess, for what would be the
13 next status conference in this case. I'd like to do it in
14 July. And at that time my expectation is that I will have all
15 three defendants in front of me.

16 Do you have a date for me?

17 THE COURTRoom DEPUTY: July 11th at 3:30.

18 THE COURT: All right. July 11th at 3:30, folks.

19 MR. DIAZ: What time, Judge?

20 THE COURT: 3:30.

21 MR. McCONNELL: Yes.

22 MS. KELLMAN: That's fine.

23 MR. DIAZ: Yes.

24 THE COURT: Okay, good.

25 All right. Did we exclude time until January 2024?

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1 MR. McCONNELL: I think we did, yes.

2 MR. HUESTON: We did, Your Honor.

3 THE COURT: So I don't need to do that.

4 Is there anything else that I do need to do?

5 Anyone?

6 MR. McCONNELL: Nothing from the Government. Thank
7 you.

8 MS. KELLMAN: Nothing from Mr. Washington. Thank
9 you, Judge.

10 MR. HUESTON: Thank you, Your Honor. Nothing.

11 THE COURT: I will see in you July. Thanks much.

12 ALL COUNSEL: (Collectively) Thank you.

13 (Matter adjourned.)

14 (Defendants exited the courtroom.)

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20 I certify that the foregoing is a correct transcript from the
record of proceedings in the above-entitled matter.

21

22 /s/ Stacy A. Mace

June 1, 2023

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STACY A. MACE

DATE

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